CIVIL COURT COUNTY OF NEW YORK

INDEX NUMBER 32484/05

Income Execution

JUDGMENT CREDITOR(S)
DISCOVER BANK

Installments paid to......................................
(date)

have satisfied the judgment to the extent of
$..principal and
$..interest
....
County

JUDGMENT DEBTOR(S) Name and Last Known Address

VICTOR C CALLENDER
765 E 225TH ST APT 2B
BRONX, NY 10466-4200

Returned to the judgment creditor or his attorney on ....because of
(date)
inability to find garnishee in the county.
....
County

ACCOUNT #: 103002130730716

THE PEOPLE OF THE STATE OF NEW YORK

TO THE ENFORCEMENT OFFICER, GREETING: The enforcement Officer is the Sheriff, Marshal of the City or Constable of the Town or Village authorized by law to enforce Income Executions. A judgment was entered in the (CIVIL COURT OF THE CITY OF NEW YORK COUNTY OF NEW YORK), (32484/05) in favor of the judgment creditor and the particulars are as follows:

Entry Date	Original Amount	Amount Due	Plus Interest from	Transcript Filed	County Filed
12/21/2005	$6,026.87	$6,026.87	12/21/2005		

This Execution is issued against VICTOR C CALLENDER

, whose last known address is 765 E 225TH ST APT 2B BRONX, NY 10466-4200

whose Social Security Number is Redacted and who is receiving or will receive $217.50 for each weekly pay period from the Employer.

Notice to the Employer

Employer: DOLLAR TREE STORES, INC

Corporate Payroll Address:
500 VOLVO PKWY
CHESAPEAKE, VA 23320

New York Service Address:
2047 BARTOW AVE
BRONX NY 10475

If **payroll** is **processed** by your **Corporate Office** please forward this garnishment to them.

If you require a **Social Security Number** to identify the judgment debtor, please contact Forster & Garbus at 1-800-245-9943, EXT 500.

This Income Execution only applies if the judgment debtor works within the State of New York. If your records reflect that the judgment debtor's work location is outside of New York State, this Income Execution should not be put into effect.

You are directed to satisfy the judgment with interest together with your fees and expenses, out of all monies now and hereafter due and owing to the Judgment Debtor from the Employer pursuant to CPLR sec 5231.

Directions to Judgment Debtor: You are notified and commanded immediately to start paying to the Enforcement Officer serving a copy of this **INCOME EXECUTION** on you: installments amounting to 10% (but no more than the Federal limits set forth in **1. Limitations on the amount that can be withheld, on reverse side)** of any and all salary, wages or other income, including any and all overtime earnings, commissions or other irregular compensation received or hereafter to be received from your Employer and to continue paying such Installments until the judgment with interest and the fees and expenses of this Income of Execution are fully paid and satisfied and if you fail to do so within 20 days of this Income Execution will be served upon the Employer by the Enforcement Officer.

Directions to the Employer: You are commanded to withhold and pay over to the Enforcement Officer serving a copy of this **INCOME EXECUTION** on you; installments amounting to 10% (but no more than the Federal limits set forth in **1. Limitations on the amount that can be withheld, on reverse side)** of any and all salary, wages or other income, including any and all overtime earnings, commissions or other irregular compensation now or hereafter becoming due to Judgment Debtor until the judgment with interest and the fees and expenses of this **INCOME EXECUTION** are fully paid and satisfied.

DATED: 12/03/14

Ronald J. Ferraro / Olivia DeBellis

Attorney(s) for Judgment Creditor
Office and Post Office Address

Forster & Garbus LLP
60 Motor Parkway
P.O. Box 9030
Commack, N.Y. 11725-9030

Telephone: (631) 393-9400

(Please note that we are required, under Federal Law, to advise you that we are debt collectors. Any information we obtain will be used in attempting to collect this debt.)

INEX_COPY

Pursuant to subdivision (1) of section fifty-two hundred five of the Civil Practice Law and Rules, two thousand six hundred twenty five dollars of an account containing direct deposits or electronic payments reasonably identifiable as statutorily exempt payments, as defined in paragraph two of sub division (1) of section fifty-two hundred five of the Civil Practice Law Rules , is exempt from execution and that the garnishee cannot levy upon or restrain two thousand six hundred twenty five dollars in such account.

Further, pursuant to subdivision (1) of section fifty-two hundred twenty-two of the Civil Practice Law and Rules, an execution shall not apply to an amount equal to or less than ninety percent of the greater of two hundred forty times the federal minimum hourly wage prescribed in Fair Labor Standards Act of 1938 or two hundred forty times the state minimum hourly wage prescribed in section six hundred fifty-two of the labor law as in effect at the time the earnings are payable, except such part as a court determines to be unnecessary for the reasonable requirements of the judgment debtor and his or her dependents.

APPENDIX A - REVISED

Notice of Judgment Debtor receiving income execution,

This Income Execution directs the withholding of up to 10% of the judgment debtor's gross income. In certain cases, however, State or Federal Law does not permit the withholding of that much of the Judgment Debtor's gross income. The Judgment Debtor is referred to New York Civil Practice Law and Rules Sect. 5231 and 15 United States Code Sect. 1671 et seq.

I. LIMITATIONS ON THE AMOUNT THAT CAN BE WITHHELD:

A. An Income Execution for installments from a Judgment Debtor's gross income cannot exceed ten percent (10%) of the Judgment Debtor's gross income.

B. If a judgment debtor's weekly disposable earnings are less than *the greater of* thirty (30) times the current federal minimum wage ($7.25 per hour or $217.50)*or the New York State minimum wage* ($8.00 per hour or $240.00) no deduction can be made from the judgment debtor's earnings under this income execution.

C. A judgment debtor's weekly disposable earnings cannot be reduced below the amount arrived at by multiplying thirty (30) times *the greater of* the federal minimum wage ($7.25 per hour or $217.50) *or the New York State minimum wage* ($8.00 per hour or $240.00) under this income execution.

D. If deductions are being made from a Judgment Debtor's earnings under any orders for Alimony, Support or Maintenance for family members or former spouses, and those deductions equal or exceed twenty-five percent (25%) of the Judgment Debtor's disposable earnings, no deduction can be made from the Judgment Debtor's earnings under this income execution.

E. If deductions are being made from a Judgment Debtor's earnings under any orders for Alimony, Support or Maintenance for family members or former spouses and those deductions are less than twenty-five percent (25%) of the Judgment Debtor's disposable earnings, deductions may be made from the Judgment Debtor's earnings under this income execution. However, the amount arrived at by adding the deductions from earnings made under this

II. EXPLANATION OF LIMITATIONS

DEFINITIONS:

DISPOSABLE EARNINGS:

Disposable earnings are that part of an individual's earnings left after deducting those amounts that are required by law to be withheld (for example, Taxes, Social Security, and Unemployment Insurance, but not deductions for Unions Dues, Insurance Plans, etc.)

GROSS INCOME:

Gross income is salary, wages or other income, including any and all overtime earnings, commissions, and income from trusts, before any deductions are made from such income.

ILLUSTRATIONS:

IF DISPOSABLE EARNINGS IS:	AMOUNT TO PAY OR DEDUCT FROM EARNINGS UNDER THIS INCOME EXECUTION IS:
A) 30 times *the greater of* the federal minimum wage ($217.50) *or the New York State minimum wage*($240.00) or less	No payment or deduction allowed.
B) more than 30 times *the greater of* the federal minimum wage ($217.50) *or the State minimum wage* ($240.00) and less than 40 times *the greater of* the federal minimum wage ($290.00) *or the New York State minimum wage* ($320.00)	The lesser of: the excess over *the greater of* 30 times the federal minimum New York wage ($217.50) *or the New York State minimum wage* ($240.00) in disposable earnings, or 10% of gross earnings.
C) 40 times the greater of the federal minimum wage ($290.00) *or the New York State minimum wage* ($320.00) or more	The lesser of: 25% of disposable earnings or 10% of gross earnings.

III. NOTICE: YOU MAY BE ABLE TO CHALLENGE THIS INCOME EXECUTION THROUGH THE PROCEDURES PROVIDED IN CPLR SECT. 5231(i) AND SECT. 5240.

If you think that the amount of your income being deducted under this Income Execution exceeds the amount permitted by State or Federal Law, you should act promptly because the money will be applied to the judgment. If you claim that the amount of your income being deducted under this Income Execution exceeds the amount permitted by State or Federal Law, you should contact your employer or other person paying your income. Further, you may consult an attorney, including Legal Aid if you qualify. New York State Law provides two procedures through which an Income Executions can be challenged.

CPLR Sect. 5231(i) Modification. At any time, the Judgment Debtor may make a Motion to a Court for an Order modifying an Income Execution.

CPLR Sect. 5240 Modification or Protective Order: Supervision of Enforcement. At any time, the Judgment Debtor may make a Motion to a Court for an Order denying, limiting, conditioning, regulating, extending the use of any post-judgment enforcement procedures, including the use of income executions.